

## Training Requirements and Guidelines

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### For Web Services Users

#### A. PURPOSE

This document provides training requirements and guidelines for employers and E-Verify employer agents that use E-Verify through a Web service. Employers and E-Verify employer agents that use E-Verify through a Web service have chosen to develop software that interfaces with E-Verify to create cases for newly hired employees and/or certain employees of federal contractors with federal contracts subject to the Federal Acquisition Regulation (FAR) E-Verify clause. Employers and E-Verify employer agents that use E-Verify through a Web service must comply with specific E-Verify requirements in addition to requirements for development and maintenance of their interface.

Web services employers and E-Verify employer agents are required to train all users on E-Verify policies and procedures. In addition, Web services employers and E-Verify employer agents must:

- Train users on the appropriate use of the employer or E-Verify employer agent's interface according to E-Verify policies and procedures.
- Develop a training course that is administered to users in the format that is most suitable for the organization. Examples of acceptable training formats include: a webinar, a computer-based tutorial, an in-person or video conferenced training course taught by an instructor, or a training video. The format of this requirement is flexible in consideration of a company's training capabilities and resource availability.
- Upon completion of the training course, certify users' knowledge through the administration of a knowledge test.
  - For more information, see Section D: Required Knowledge Test.
- Maintain records of successful completion of the knowledge test. Record this information in a format that can be submitted to E-Verify if requested or shown on-site in case of an audit. Record the following information:
  - Name of individual who attended training
  - Date of knowledge test
  - Knowledge test score
- Only allow users who have achieved a passing score of at least 70% on the knowledge test to access E-Verify.

#### B. REQUIRED TRAINING CURRICULUM OVERVIEW

Web service employers and E-Verify employer agents must include the following topics in the required E-Verify user training course. For additional details on the topics and key points to cover in each module, see Section E: Required Training Curriculum Topics, Key Points and Key Questions.

## **MODULE 1**

- Privacy and Data Protections
- Employee Civil Rights and Civil Liberties
- Rules and Responsibilities Overview
- Privacy Breaches and Rights Violations

## **MODULE 2**

- E-Verify Overview
- Federal Contractor Requirements
- Form I-9 and E-Verify
- Hire Date
- Check Information Screen
- Error: Unexpired Document Required
- Photo Matching
- Request Name Review

## **MODULE 3**

- Initial Case Results
  - Employment Authorized
  - SSA or DHS Tentative Nonconfirmation (TNC)
  - DHS Verification in Process
- Interim Case Results
  - SSA and DHS TNC
  - Review and Update Employee Data
  - DHS Verification in Process
  - SSA or DHS Case in Continuance

## **MODULE 4**

- Tentative Nonconfirmation (TNC)
- Final Case Results
- Case Closure Statements

### **C. E-VERIFY CHANGES AND CURRICULUM UPDATES**

Web services employers and E-Verify employer agents must provide training updates to existing users and update the initial training course when there are E-Verify system, policy and/or process updates. These updates will often correspond to the requirements detailed in an updated Interface Control Agreement (ICA). Detailed guidance that describes the new content to be covered along with any additional training requirements will be provided to Web services employers and E-Verify employer agents by E-Verify.

Once system updates are implemented, Web services employers and E-Verify employer agents must certify users' knowledge of the changes through the administration of a knowledge check or brief quiz. Users must not be allowed to access E-Verify functionality until after they have achieved a passing score of at least 70%.

## D. REQUIRED KNOWLEDGE TEST

Web services employers and E-Verify employer agents are required to incorporate a knowledge test into the training course. The knowledge test should begin upon completion of the training course. This test evaluates the user's comprehension of the information outlined in Section E: Required Training Curriculum Topics, Key Points and Key Questions.

**NOTE:** Web services employers and E-Verify employer agents must **not** allow users to access E-Verify until users achieve a passing score of at least 70% on the knowledge test.

### The knowledge test must satisfy the following requirements:

- Knowledge test questions must be based on the information detailed in Section E: Required Training Curriculum Topics, Key Points and Key Questions, at a minimum.
- The knowledge test must have at least 10 questions.
- The knowledge test must include questions from the Key Questions column of each chart in Section E: Required Training Curriculum Topics, Key Points and Key Questions. Consult these charts before creating the knowledge test. As appropriate, additional questions may be added to the knowledge test.
- The questions provided in Section E: Required Training Curriculum Topics, Key Points and Key Questions serve as an example of how to format the questions. The questions provided in the training course can be formatted as needed to match the training method and design. Examples of acceptable formats include: fill in the blank, true/false, matching and multiple choice.

**NOTE:** Successful completion of the knowledge test must be recorded for each user. Consult Section A: Purpose for additional guidance on recording knowledge test completion.

## E. REQUIRED TRAINING CURRICULUM TOPICS, KEY POINTS AND KEY QUESTIONS

This section provides detailed information on the Required Training Curriculum Overview provided in Section B: Required Training Curriculum Overview. Listed below are the topics and key points that should be covered by Web services employers and E-Verify employer agents when creating a training course. At a minimum, knowledge test questions must be based upon the information in this section of the curriculum.

**NOTE:** Employers who are federal contractors with a covered federal contract subject to the FAR E-Verify clause should consult the 'Supplemental Guide for Federal Contractors' found at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify) to ensure their training materials contain language specific to covered federal contractors.

MODULE 1		
TOPICS	KEY POINTS	KEY QUESTIONS
<b>Privacy and Data Protections</b>	<p>Employers, E-Verify employer agents, and users are responsible for ensuring that all personal information collected is safeguarded and used only for the purposes outlined in the E-Verify Memorandum of Understanding (MOU).</p> <p>Failure to properly protect employee information can result in identity theft or fraud and can cause considerable inconvenience, harm or embarrassment to the employees or employer affected.</p> <p>At a minimum, follow the steps below to protect personal information and comply with the appropriate regulations.</p> <ul style="list-style-type: none"> <li>• <b>Allow only authorized users to use E-Verify.</b> Ensure that only the appropriate users handle information and create E-Verify cases.</li> <li>• <b>Secure access to E-Verify.</b> Protect passwords used to access E-Verify and ensure that unauthorized users do not gain access to the system.</li> <li>• <b>Protect and store employee information properly.</b> Ensure that employee information is stored in a safe and secure location. Ensure that only authorized users have access to this information.</li> <li>• <b>Discuss E-Verify results in private.</b> Ensure that case results are discussed in private with the employee.</li> </ul>	<p><b>What are the E-Verify privacy guidelines that must be used to protect personal information and comply with the appropriate privacy regulations?</b></p> <p>Answer:</p> <ul style="list-style-type: none"> <li>• Allow only authorized users to have access to and use E-Verify.</li> <li>• Secure access to E-Verify.</li> <li>• Protect and store employee information properly.</li> <li>• Discuss E-Verify results in private.</li> </ul>
<b>Employee Civil Rights and Civil Liberties</b>	<p>It is the employer's and employer agent's responsibility to treat employees equally and fairly when using E-Verify.</p> <p><b>Employers and employer agents participating in E-Verify MUST:</b></p> <ul style="list-style-type: none"> <li>• Create a case in E-Verify only AFTER the applicant accepted an offer of employment and Form I-9, Employment Eligibility Verification is complete.</li> <li>• Create an E-Verify case for all newly hired employees, regardless of citizenship.</li> <li>• Notify each job applicant of E-Verify participation and employee rights.</li> <li>• Use E-Verify for an existing employee</li> </ul>	<p><b>What must an employer and employer agent do to ensure employees are treated equally and fairly when using E-Verify?</b></p> <p>Answer:</p> <ul style="list-style-type: none"> <li>• Create a case in E-Verify only AFTER the applicant accepted an offer of employment and Form I-9, Employment Eligibility Verification is complete.</li> <li>• Ensure employees who</li> </ul>

	<p>only when he or she is assigned to a federal contract or if your company chose to verify its existing workforce.</p> <ul style="list-style-type: none"> <li>• Verify all new employees and existing employees assigned to a federal contract regardless of national origin, citizenship, or immigration status.</li> <li>• Provide each employee who receives a Tentative Nonconfirmation (TNC) the Further Action Notice (FAN) in private and the opportunity to contest the TNC. Ensure employees who contest a TNC are promptly given the printed Referral Date Confirmation.</li> <li>• Ensure no change in the working conditions (pay, hours, etc.) of employees who contest a TNC.</li> </ul> <p><b>Employers and employer agents participating in E-Verify MUST NOT:</b></p> <ul style="list-style-type: none"> <li>• Use E-Verify to pre-screen an applicant for employment.</li> <li>• Use E-Verify to discriminate against ANY job applicant or new hire on the basis of his or her national origin, citizenship or immigration status.</li> <li>• Selectively verify the employment eligibility of a newly hired employee.</li> <li>• Delay a start date for any employee who receives a TNC.</li> <li>• Take any adverse action (reduce pay, reduce hours, terminate or suspend, etc.) against an employee because of a TNC unless and until E-Verify issues a Final Nonconfirmation, even if the resolution of the TNC takes longer than 10 days.</li> </ul>	<p>receive a Tentative Nonconfirmation (TNC) are given an opportunity to contest.</p> <ul style="list-style-type: none"> <li>• Ensure employees who contest a TNC are given the printed Further Action Notice and Referral Date Confirmation.</li> <li>• Not take any adverse action against an employee because of a TNC unless and until E-Verify issues a Final Nonconfirmation, even if resolution takes longer than ten days.</li> </ul> <p>(additional possible answers can be added)</p>
<b>Rules and Responsibilities Overview</b>	<p><b>Employers and employer agents participating in E-Verify MUST:</b></p> <ul style="list-style-type: none"> <li>• Follow E-Verify procedures for each newly hired employee while enrolled/participating in E-Verify.</li> <li>• Inform each job applicant about the employer's participation in E-Verify and employee rights.</li> <li>• Clearly display the 'Notice of E-Verify Participation' and 'Right to Work' posters in all languages supplied by DHS.</li> <li>• Complete Form I-9 for each newly hired employee before creating a case in E-Verify.</li> </ul>	<p><b>Which rules must all E-Verify employers and employer agents follow?</b></p> <p>Answer:</p> <ul style="list-style-type: none"> <li>• Create a case for each newly hired employee regardless of citizenship or immigration status.</li> <li>• Provide each employee who receives a TNC written notice of the TNC, and 8 federal workdays to contact DHS or SSA to begin</li> </ul>

	<ul style="list-style-type: none"> <li>• Promptly provide each employee who receives a TNC Further Action Notice with the opportunity to contest a TNC.</li> <li>• Provide each employee who receives a TNC eight federal government work days to contest it (i.e., contact the appropriate federal agency to begin to resolve the TNC).</li> <li>• Allow each newly hired employee to start and continue working during the E-Verify verification process, even if he or she receives and contests a TNC, and even if it takes longer than ten days to resolve the TNC.</li> </ul> <p><b>Federal contractors participating in E-Verify MUST also:</b></p> <ul style="list-style-type: none"> <li>• Only use E-Verify for an existing employee under limited circumstances.</li> <li>• Use special considerations when you decide how to, and whether to verify an existing employee.</li> <li>• Create a case only within a specified period of time. If a case is not created within these timeframes, you must note the reason for delay and attach it to Form I-9.</li> <li>• Follow E-Verify procedures for each newly hired employee and an existing employee assigned to a covered federal contract while participating in E-Verify.</li> </ul> <p><i>For more information about rules specific to Federal contractors, review the 'Supplemental Guide for Federal Contractors.'</i></p> <p><b>Employers and E-Verify Federal contractors participating in E-Verify MUST NOT:</b></p> <ul style="list-style-type: none"> <li>• Use E-Verify to pre-screen an applicant for employment. Prescreening is creating an E-Verify case before a job offer is made or before an employee has accepted a job offer.</li> <li>• Take any adverse action against an employee because of a TNC unless and until E-Verify issues a Final Nonconfirmation.</li> <li>• Specify or request which Form I-9 documentation a newly hired employee must use.</li> </ul>	<p>to resolve the TNC.</p> <ul style="list-style-type: none"> <li>• Clearly display the 'Notice of E-Verify Participation' and 'Right to Work' posters in all languages supplied by DHS.</li> <li>• Not take any adverse action against employees who contest a TNC, even if it takes longer than ten days to resolve the TNC.</li> </ul> <p>(additional possible answers can be added)</p> <p><b>What must employers and employer agents participating in E-Verify NOT do?</b></p> <p>Answer:</p> <ul style="list-style-type: none"> <li>• Use E-Verify on employees hired before the company signed the E-Verify MOU unless the employer is a Federal contractor with a federal contract subject to the FAR E-Verify clause.</li> <li>• Selectively verify the employment eligibility of employees.</li> <li>• Use E-Verify to discriminate against ANY job applicant or employee on the basis of his or her national origin, citizenship or immigration status.</li> <li>• Use E-Verify to pre-screen applicants for employment.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Use E-Verify to discriminate against ANY job applicant or employee on the basis of his or her national origin, citizenship or immigration status.</li> <li>• Share any user ID and/or password.</li> </ul>	
<b>Privacy Breaches and Rights violations</b>	<p>Report all suspected or confirmed privacy breaches by calling 888-464-4218 or emailing E-Verify@dhs.gov. Please use 'Privacy Incident – Password' in the subject line of the email when sending a breach report to E-Verify.</p> <p>Questions regarding how to avoid unfair and discriminatory verification practices when using E-Verify should be directed to the Office of Special Counsel for Immigration Related Unfair Employment Practices at <a href="mailto:osccrt@usdoj.gov">osccrt@usdoj.gov</a>, 800-255-8155 or 800-237-2515 (TTY).</p>	

<b>MODULE 2</b>		
<b>TOPICS</b>	<b>KEY POINTS</b>	<b>KEY QUESTIONS</b>
<b>E-Verify Overview</b>	<p>The Web services employment eligibility verification process begins with a completed Form I-9. E-Verify makes employment eligibility determinations by comparing the employee's Form I-9 information entered in E-Verify by the employer with the information in records available to the Social Security Administration (SSA) and/or Department of Homeland Security (DHS).</p> <p>When E-Verify checks the employee's information with records available to SSA and/or DHS, a case result is provided. Case results can be initial, interim or final. Proper use of E-Verify requires users to close all cases when they receive final case results.</p>	<p><b>How does E-Verify work?</b></p> <p>Answer:</p> <p>E-Verify works by comparing the information entered on an employee's Form I-9 with records available to the Social Security Administration (SSA) and/ or Department of Homeland Security (DHS), to verify employment eligibility.</p>
<b>Federal Contractor Requirements</b>	<p>Form I-9 requirements for all employees are outlined in the 'Handbook for Employers: Guidance for Completing Form I-9 (M-274).' Federal contractors should also review the 'E-Verify Supplemental Guide for Federal Contractors' for more detailed information.</p> <p>Employers and employer agents create</p>	<p><b>Do federal contractors with the FAR E-Verify clause in their contracts have different policies and procedures for using E-Verify?</b></p> <p>Answer:</p> <p>Federal contractors have</p>

	<p>cases for all employees ONLY after:</p> <ul style="list-style-type: none"> <li>• A job has been offered;</li> <li>• The applicant has accepted the position; and</li> <li>• The Form I-9 has been completed.</li> </ul> <p>Federal contractors must follow specific rules related to Form I-9 and existing employees. These rules include how to:</p> <ul style="list-style-type: none"> <li>• Verify existing employees;</li> <li>• Comply with certain expired documents; and</li> <li>• Use Photo Matching.</li> </ul>	<p>specific guidelines on who they verify and the time period required to create a case in E-Verify as outlined in the 'E-Verify Supplemental Guide for Federal Contractors.'</p>
<b>Form I-9 and E-Verify</b>	<p>All employers are required to ensure timely and proper completion of Form I-9 when the employee starts work for pay and to keep records of the forms on file. This requirement also applies to federal contractors enrolled in E-Verify.</p> <p>Many E-Verify employers voluntarily choose to take the additional step of verifying that their employees' Form I-9 information matches government records, thereby ensuring a legal workforce.</p>	<p><b>What is the timeframe by which an employer must create an E-Verify case after the employee begins work for pay?</b></p> <p>Answer:</p> <p>No later than the third business day after the employee started work for pay.</p>
<b>Hire Date</b>	<p>The hire date is the first day of employment in exchange for wages or other remuneration, previously referred to as the date on which the employee began employment.</p> <p>If the employer rehires an employee for whom an E-Verify Web services case was never created and the employee's previous Form I-9 lists an expired identity document (List B), then a new Form I-9 must be completed and an E-Verify case created for the employee using the re-hire date as the date of hire.</p> <p>If the employer rehires an employee for whom an E-Verify case was previously created and the employee's previous Form I-9 lists an expired identity document (List B), then the employer or employer agent may either:</p> <ul style="list-style-type: none"> <li>• Complete Section 3 of the employee's previous Form I-9 and do not create a new case for the employee</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>• Complete a new Form I-9 for the</li> </ul>	<p><b>What is the hire date that must be used to create an E-Verify case?</b></p> <p>Answer:</p> <p>The first day of employment in exchange for wages or other remuneration.</p>



	<p>employee and create a new case for the employee.</p> <p><b>NOTE:</b> Employees hired on or before November 6, 1986 are not subject to Form I-9. Therefore, employers may not create E-Verify cases for these employees based on this employment.</p> <p><i>For more information, consult the 'Handbook for Employers: Guidance for Completing Form I-9 (M-274).'</i></p>	
<b>Check Information Screen</b>	<p>If the information entered does not immediately match records available to Social Security Administration (SSA) and/or U.S. Department of Homeland Security (DHS) the 'Check Information' screen appears so that you can confirm that the information was entered correctly.</p> <p>The employer or employer agent may either confirm that the information matches Form I-9 or correct information in certain fields.</p> <p>The employer or employer agent then confirms that the information presented is correct. If a mistake was made in a field that cannot be updated, the case will need to be closed.</p>	
<b>Error: Unexpired Document Required</b>	<p>Any document presented by an employee for Form I-9 must be unexpired on its face (see exception below). If the document entered into E-Verify was expired when the employee was hired, E-Verify will reject the document information and not create a case. The employee will need to present acceptable unexpired document(s) and you will need to update Form I-9 before you can create a case in E-Verify.</p> <p>Just because the employee presented an expired document does not mean that the employee is not authorized to work. E-Verify will confirm the employment eligibility of this employee once you obtain an unexpired document and create the case.</p> <p>In limited situations for Form I-9, you may accept a document that appears expired on its face. When a Temporary Protected Status (TPS) designation for a particular country is extended, DHS</p>	

	<p>sometimes automatically extends the expiration date of Employment Authorization Documents (EAD, Form I-766) issued to affected TPS beneficiaries via notice published in the <i>Federal Register</i>. For information on this exception, visit <a href="http://www.uscis.gov/tps">www.uscis.gov/tps</a>.</p>	
<b>Photo Matching</b>	<p>Photo matching is an additional step that prompts employers and employer agents to compare an employee's photo ID with a photo displayed in E-Verify. Photo matching only occurs when the employee presents:</p> <ul style="list-style-type: none"> <li>• A Permanent Resident Card (Form I-551)</li> <li>• Employment Authorization Document (Form I-766)</li> <li>• A valid U.S. Passport or U.S. Passport Card</li> </ul> <p>If the employee presents one of these documents, the employer or employer agent must copy the document and retain it with Form I-9.</p> <p><b>NOTE:</b> Do not ask employees to present any specific document from the list above to enable use of the photo matching.</p> <p>Do not compare the photo displayed by E-Verify Web services to the employee directly. Direct comparison between the document and the individual should have occurred during Form I-9 completion, prior to using E-Verify Web services access.</p>	<p><b>A photo may appear in E-Verify after you create a case. What is the photo that appears in E-Verify compared to?</b></p> <p>Answer:</p> <p>The photo on the employee's Form I-9 document</p>
<b>Request Name Review</b>	<p>In some cases, E-Verify Web services issues a case result of 'Employment Authorized,' but the name returned does not match exactly the name on Form I-9. This happens when the information matches but there are name variations in DHS records.</p>	

MODULE 3		
TOPICS	KEY POINTS	KEY QUESTIONS
Initial Case Results	<p><b>Initial Case Result</b> Initial case results display in E-Verify once an employee's information has been submitted as part of a verification case.</p> <p><b>Employment Authorized</b> An employment authorized result means the employee's information matched records available to SSA and/or DHS.</p> <p><b>SSA or DHS TNC</b> An SSA or DHS TNC means the information does not initially match records available to SSA and/or DHS.</p> <p><b>DHS Verification In Process</b> A DHS Verification in Process means the case is referred to DHS for additional verification. No action is required until further notice from E-Verify.</p>	<p><b>What does an E-Verify case result of 'Employment Authorized' mean?</b></p> <p>Answer:</p> <p>The employee's information matched with SSA and/or DHS records.</p>
Interim Case Results	<p><b>Interim Case Result</b> An interim case result requires additional action before E-Verify provides a final case result to complete the verification process.</p> <p><b>SSA or DHS TNC</b> An SSA or DHS TNC result means information did not match records available to SSA and/or DHS. Additional action is required.</p> <p><b>Review and Update Employee Data</b> A Review and Update Employee Data result is a prompt for the employer or employer agent to review, update and resubmit the employee's Form I-9 information.</p> <p><b>DHS Verification In Process</b> A DHS Verification in Process result means the case is referred to DHS for further verification.</p> <p><b>SSA or DHS Case in Continuance</b> A SSA or DHS Case in Continuance result means the employee has contacted SSA or DHS, but more time is needed to determine a final case result.</p>	

MODULE 4		
TOPICS	KEY POINTS	KEY QUESTIONS
<b>Tentative Nonconfirmation (TNC)</b>	<p>A TNC case result occurs when the information entered into E-Verify was compared to government records available to SSA and/or DHS and could not be verified. This does not mean the employee is not authorized to work. While resolving TNCs, employees must be allowed to work without any change in working conditions, regardless of how long the resolution process takes.</p> <p>A DHS TNC may occur because the employee's:</p> <ul style="list-style-type: none"> <li>• Name, Alien number, I-94 number and/or foreign passport number are incorrect in DHS records</li> <li>• U.S. Passport, Passport Card, driver's license, foreign passport or state ID card information could not be verified</li> <li>• Information was not updated in the employee's DHS records</li> <li>• Citizenship or immigration status changed</li> <li>• Record contains another type of error</li> <li>• Information was not entered correctly by the employer</li> <li>• Information was not entered correctly on the Form I-9</li> </ul> <p>An SSA TNC data mismatch may occur because the employee's:</p> <ul style="list-style-type: none"> <li>• Citizenship or immigration status was not updated with SSA</li> <li>• Name change was not reported to SSA</li> <li>• Name, Social Security number or date of birth is incorrect in SSA records</li> <li>• SSA record contains another type of mismatch</li> <li>• Information was not entered correctly by the employer</li> <li>• Information was not entered correctly on the Form I-9</li> </ul>	
<b>Final Case Results</b>	<p><b>Employment Authorized</b></p> <p>An Employment Authorized final case result means the employee's information matched records available to SSA and/or</p>	<p><b>What does an E-Verify SSA or DHS Final Nonconfirmation case result mean?</b></p>

	<p>DHS.</p> <p><b>SSA or DHS Final Nonconfirmation</b> An SSA or DHS Final Nonconfirmation result means E-Verify cannot verify an employee's employment eligibility after the employee has visited SSA or contacted DHS.</p> <p><b>DHS No Show</b> A DHS No Show result means that the employee did not contact DHS within the required <b>eight</b> federal government workdays.</p> <p><b>Error: Close Case and Resubmit</b> A Close Case and Resubmit Error means the case cannot continue because the expiration date entered for the employee's U.S. Passport, Passport Card or driver's license is incorrect. This case must be resubmitted.</p>	<p>Answer:</p> <p>An E-Verify SSA or DHS Final Nonconfirmation case result means that E-Verify cannot verify an employee's employment eligibility.</p> <p><b>What does an E-Verify final case result of DHS No Show mean?</b></p> <p>Answer:</p> <p>The employee did not contact DHS within the 8 federal government workdays, and therefore, E-Verify cannot verify the employee's employment eligibility.</p>
<b>Case Closure Statements</b>	<p>Employers <b>MUST</b> close every case created in E-Verify. Each case is closed by using the applicable case closure statement.</p>	<p><b>Are employers required to close every E-Verify case?</b></p> <p>Answer:</p> <p>Yes, each E-Verify case must be closed.</p>